

HOUSE BILL 131

C2

(2lr1156)

ENROLLED BILL

— *Economic Matters/Finance* —

Introduced by **Delegates Kipke, Barkley, Barnes, Barve, Bobo, Boteler, Cardin, Carr, Eckardt, Feldman, Frick, Frush, Glass, Glenn, Haddaway–Riccio, Hucker, Impallaria, Jameson, Kach, Kaiser, A. Kelly, K. Kelly, Kramer, Love, Luedtke, McComas, McDermott, McHale, A. Miller, Minnick, Morhaim, Olszewski, Pendergrass, Reznik, S. Robinson, Rudolph, Schuh, Stocksdale, V. Turner, Vitale, and Waldstreicher**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Retail Pet Stores – Sales of Dogs – Required Records, Health Disclosures, and**
3 **Purchaser Remedies**

4 FOR the purpose of requiring a retail pet store that sells dogs to post conspicuously on
5 each dog’s cage certain information about the dog; requiring a retail pet store to
6 maintain a written record that contains certain information about each dog in
7 the possession of the retail pet store; requiring a retail pet store to maintain a
8 certain record for a certain period of time after the date of sale of a dog;
9 requiring a retail pet store to make certain records available to certain persons
10 and the ~~Department of Labor, Licensing, and Regulation~~ Division of Consumer

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Protection of the Office of the Attorney General under certain circumstances;
 2 requiring a retail pet store to provide a certain written ~~health disclosure~~
 3 information to a purchaser; providing that it is an unfair or deceptive trade
 4 practice within the meaning of the Maryland Consumer Protection Act for a
 5 retail pet store to include any false or misleading statements in a certain
 6 certificate or record; authorizing a purchaser of a dog to seek certain remedies
 7 for certain health problems under certain circumstances; requiring a purchaser
 8 seeking a remedy under this Act to provide ~~certain notice and information to a~~
 9 certain written statement to the owner or operator of the retail pet store ~~and to~~
 10 ~~take the dog for certain examinations on request; requiring a certain statement~~
 11 ~~by a veterinarian to contain certain information; establishing criteria for certain~~
 12 ~~veterinary fees to be considered reasonable~~; requiring the owner or operator of a
 13 retail pet store to make a certain reimbursement within a certain period of time;
 14 providing that a purchaser is not entitled to a remedy under this Act under
 15 certain circumstances; ~~authorizing a retail pet store to contest a remedy under~~
 16 ~~this Act in a certain manner; authorizing a contested remedy to be resolved in a~~
 17 ~~certain manner; authorizing a court or arbiter to require a party acting in bad~~
 18 ~~faith to pay reasonable attorney's fees and court costs of the adverse party;~~
 19 ~~requiring a retail pet store to conspicuously post a certain notice of purchaser's~~
 20 ~~rights under this Act; requiring a retail pet store to provide a written notice of~~
 21 ~~purchaser's rights under this Act at a certain time in a certain manner;~~
 22 ~~requiring a retail pet store that makes a certain representation related to a~~
 23 ~~dog's registration to provide a certain notice to a purchaser at the time of the~~
 24 ~~sale in a certain manner; prohibiting a retail pet store from making certain~~
 25 ~~statements, promises, or representations related to a dog's registration unless~~
 26 ~~the retail pet store provides certain documents to the purchaser within a certain~~
 27 ~~period of time; authorizing a purchaser to seek a certain remedy if a retail pet~~
 28 ~~store does not provide certain documents under certain circumstances;~~
 29 ~~establishing civil penalties for a first or subsequent~~ that a violation of this Act is
 30 an unfair or deceptive trade practice within the meaning of the Maryland
 31 Consumer Protection Act and is subject to certain enforcement and penalty
 32 provisions; establishing that this Act does not limit certain rights or remedies,
 33 the ability to agree to certain additional terms and conditions, or the ability of
 34 the State or a local government to prosecute a retail pet store for any other
 35 violation of laws; making certain conforming changes; providing for the
 36 application of this Act; defining certain terms; and generally relating to
 37 required records, health disclosures, and purchase remedies related to dog sales
 38 by retail pet stores.

39 BY adding to

40 Article – Business Regulation

41 Section 19–701 through ~~19–708 19–709~~ 19–707 to be under the new subtitle

42 “Subtitle 7. Retail Pet Stores”

43 Annotated Code of Maryland

44 (2010 Replacement Volume and 2011 Supplement)

45 BY repealing and reenacting, with amendments,

1 Article – Commercial Law
 2 Section 13–301(14)(xxvii)
 3 Annotated Code of Maryland
 4 (2005 Replacement Volume and 2011 Supplement)

5 BY repealing and reenacting, without amendments,
 6 Article – Commercial Law
 7 Section 13–301(14)(xxviii)
 8 Annotated Code of Maryland
 9 (2005 Replacement Volume and 2011 Supplement)

10 BY adding to
 11 Article – Commercial Law
 12 Section 13–301(14)(xxix)
 13 Annotated Code of Maryland
 14 (2005 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Business Regulation**

18 **SUBTITLE 7. RETAIL PET STORES.**

19 **19–701.**

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 21 INDICATED.

22 (B) “BREEDER” MEANS A PERSON WHO BREEDS OR RAISES DOGS TO
 23 SELL, EXCHANGE, OR OTHERWISE TRANSFER TO THE PUBLIC.

24 (C) “CLINICALLY ILL” MEANS AN ILLNESS THAT IS APPARENT TO A
 25 LICENSED VETERINARIAN BASED ON OBSERVATION, EXAMINATION, OR TESTING
 26 OF THE DOG.

27 (D) (1) “DEALER” MEANS A PERSON WHO, FOR COMPENSATION:

28 (I) BUYS, SELLS, OR NEGOTIATES THE PURCHASE OF A
 29 DOG; OR

30 (II) DELIVERS FOR TRANSPORT OR TRANSPORTS A DOG.

31 (2) “DEALER” DOES NOT INCLUDE A PERSON WHO TRANSPORTS A
 32 DOG AS A CARRIER ONLY.

1 **(E) “NONELECTIVE SURGICAL PROCEDURE” MEANS A SURGICAL**
2 **PROCEDURE THAT IS NECESSARY TO PRESERVE OR RESTORE THE HEALTH OF**
3 **AN ANIMAL OR TO CORRECT A CONDITION THAT WOULD:**

4 **(1) INTERFERE WITH THE ANIMAL’S ABILITY TO WALK, RUN,**
5 **JUMP, OR OTHERWISE FUNCTION IN A NORMAL MANNER; OR**

6 **(2) CAUSE PAIN AND SUFFERING TO THE ANIMAL.**

7 **(F) “PURCHASER” MEANS ANY PERSON WHO PURCHASES A DOG FROM A**
8 **RETAIL PET STORE.**

9 **(G) “RETAIL PET STORE” MEANS A FOR-PROFIT ESTABLISHMENT OPEN**
10 **TO THE PUBLIC THAT SELLS OR OFFERS FOR SALE DOMESTIC ANIMALS TO BE**
11 **KEPT AS HOUSEHOLD PETS.**

12 **19-702.**

13 **THIS SUBTITLE DOES NOT APPLY TO A BONA FIDE NONPROFIT**
14 **ORGANIZATION OPERATING WITHIN A RETAIL PET STORE.**

15 **19-703.**

16 **(A) A RETAIL PET STORE THAT SELLS DOGS SHALL:**

17 **(1) POST CONSPICUOUSLY ON EACH DOG’S CAGE:**

18 **(I) THE BREED, AGE, AND DATE OF BIRTH OF THE DOG, IF**
19 **KNOWN;**

20 **(II) THE STATE IN WHICH THE BREEDER OR DEALER OF THE**
21 **DOG IS LOCATED; AND**

22 **(III) THE UNITED STATES DEPARTMENT OF AGRICULTURE**
23 **LICENSE NUMBER OF THE BREEDER OR DEALER, IF REQUIRED;**

24 **(2) MAINTAIN A WRITTEN RECORD THAT INCLUDES THE**
25 **FOLLOWING INFORMATION ABOUT EACH DOG IN THE POSSESSION OF THE**
26 **RETAIL PET STORE:**

27 **(I) THE BREED, AGE, AND DATE OF BIRTH OF THE DOG, IF**
28 **KNOWN;**

1 (II) THE SEX, COLOR, AND ANY IDENTIFYING MARKINGS OF
2 THE DOG;

3 (III) DOCUMENTATION OF ALL INOCULATIONS, WORMING
4 TREATMENTS, AND OTHER MEDICAL TREATMENTS, IF KNOWN, INCLUDING THE
5 DATE OF THE MEDICAL TREATMENT, THE DIAGNOSES, AND THE NAME AND
6 TITLE OF THE TREATMENT PROVIDER;

7 (IV) THE NAME AND ADDRESS OF:

8 1. THE BREEDER OR DEALER WHO SUPPLIED THE
9 DOG; AND

10 2. THE FACILITY WHERE THE DOG WAS BORN; AND

11 ~~2.~~ 3. THE TRANSPORTER OR CARRIER OF THE DOG, IF
12 ANY;

13 (V) THE UNITED STATES DEPARTMENT OF AGRICULTURE
14 LICENSE NUMBER OF THE BREEDER OR DEALER, IF REQUIRED;

15 (VI) ANY IDENTIFIER INFORMATION, INCLUDING A TAG,
16 TATTOO, COLLAR NUMBER, OR MICROCHIP; AND

17 (VII) IF THE DOG IS BEING SOLD AS REGISTERED OR
18 REGISTRABLE:

19 1. THE NAMES AND REGISTRATION NUMBERS OF THE
20 SIRE AND DAM; AND

21 2. THE LITTER NUMBER; AND

22 (3) FOR EACH DOG ACQUIRED BY THE RETAIL PET STORE,
23 MAINTAIN A WRITTEN RECORD OF THE HEALTH, STATUS, AND DISPOSITION OF
24 THE DOG, INCLUDING ANY DOCUMENTS THAT ARE REQUIRED AT THE TIME OF
25 SALE.

26 (B) A RETAIL PET STORE SHALL MAINTAIN A COPY OF THE RECORDS
27 REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION FOR AT LEAST 1 YEAR
28 AFTER THE DATE OF SALE OF THE DOG.

29 (C) A RETAIL PET STORE SHALL MAKE THE RECORDS REQUIRED UNDER
30 SUBSECTION (A)(2) OF THIS SECTION AVAILABLE TO:

1 (1) ~~THE DEPARTMENT~~ DIVISION OF CONSUMER PROTECTION OF
2 THE OFFICE OF THE ATTORNEY GENERAL ON REASONABLE NOTICE;

3 (2) ANY BONA FIDE PROSPECTIVE PURCHASER ON REQUEST; AND

4 (3) THE PURCHASER AT THE TIME OF A SALE.

5 ~~19-703. 19-704.~~

6 ~~A RETAIL PET STORE SHALL PROVIDE TO A PURCHASER AT THE TIME OF A~~
7 ~~SALE OF A DOG A WRITTEN DISCLOSURE THAT:~~

8 ~~(1) IS SIGNED AND DATED BY THE OWNER OR OPERATOR OF THE~~
9 ~~RETAIL PET STORE AND THE PURCHASER;~~

10 ~~(2) INCLUDES A STATEMENT BY THE RETAIL PET STORE:~~

11 ~~(I) STATING THAT, AT THE TIME OF THE SALE, THE DOG~~
12 ~~HAS NO KNOWN DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY~~
13 ~~CONDITION THAT ADVERSELY AFFECTS THE HEALTH OF THE DOG OR IS LIKELY~~
14 ~~TO ADVERSELY AFFECT THE HEALTH OF THE DOG IN THE FUTURE; OR~~

15 ~~(II) IDENTIFYING ANY KNOWN DISEASE, ILLNESS, OR~~
16 ~~CONGENITAL OR HEREDITARY CONDITION THAT ADVERSELY AFFECTS THE~~
17 ~~HEALTH OF THE DOG OR IS LIKELY TO ADVERSELY AFFECT THE HEALTH OF THE~~
18 ~~DOG IN THE FUTURE; AND~~

19 ~~(3) IF THE DOG HAS NOT RECEIVED A VETERINARY EXAMINATION,~~
20 ~~INCLUDES A STATEMENT THAT THE DOG HAS NOT RECEIVED A VETERINARY~~
21 ~~EXAMINATION BEFORE THE SALE.~~

22 (A) A RETAIL PET STORE SHALL PROVIDE TO A PURCHASER AT THE TIME
23 OF A SALE OF A DOG:

24 (1) A HEALTH CERTIFICATE FROM A VETERINARIAN LICENSED IN
25 THE STATE ISSUED WITHIN 30 DAYS BEFORE THE DATE OF SALE CERTIFYING
26 THAT THE DOG:

27 (I) HAS NO KNOWN DISEASE, ILLNESS, OR CONGENITAL OR
28 HEREDITARY CONDITION WHICH IS DIAGNOSABLE WITH REASONABLE
29 ACCURACY; AND

30 (II) DOES NOT APPEAR TO BE CLINICALLY ILL FROM
31 PARASITIC INFECTION AT THE TIME OF THE EXAMINATION;

1 **(2) THE WRITTEN RECORD ABOUT THE DOG MAINTAINED BY THE**
2 **RETAIL PET STORE UNDER § 19-703(A)(2) OF THIS SUBTITLE; AND**

3 **(3) A STATEMENT NOTIFYING THE PURCHASER OF THE SPECIFIC**
4 **RIGHTS AVAILABLE TO THE PURCHASER UNDER THIS SUBTITLE.**

5 **(B) IT IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE**
6 **MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE FOR A RETAIL PET**
7 **STORE TO INCLUDE ANY FALSE OR MISLEADING STATEMENTS IN THE HEALTH**
8 **CERTIFICATE OR WRITTEN RECORD PROVIDED TO A PURCHASER UNDER**
9 **SUBSECTION (A) OF THIS SECTION.**

10 ~~19-704.~~ 19-705.

11 **(A) (1) A PERSON WHO PURCHASED A DOG FROM A RETAIL PET**
12 **STORE IS ENTITLED TO A REMEDY UNDER THIS SECTION IF:**

13 **(I) WITHIN ~~21~~ 7 DAYS AFTER THE DATE OF THE SALE, ~~A~~ THE**
14 **PERSON HAD THE DOG EXAMINED BY A ~~LICENSED~~ VETERINARIAN LICENSED IN**
15 **THE STATE AND, WITHIN 14 DAYS AFTER THE DATE OF THE SALE, THE LICENSED**
16 **VETERINARIAN STATES IN WRITING THAT THE DOG SUFFERS FROM OR HAS DIED**
17 **OF A DISEASE OR ILLNESS ADVERSELY AFFECTING THE HEALTH OF THE DOG**
18 **AND THAT EXISTED IN THE DOG ON OR BEFORE THE DATE OF DELIVERY TO THE**
19 **PURCHASER; OR**

20 **(II) WITHIN ~~1-YEAR~~ 180 DAYS AFTER THE DATE OF THE**
21 **SALE, A LICENSED VETERINARIAN STATES IN WRITING THAT THE DOG**
22 **POSSESSES OR HAS DIED OF A CONGENITAL OR HEREDITARY CONDITION**
23 **ADVERSELY AFFECTING THE HEALTH OF THE DOG OR THAT REQUIRES**
24 **HOSPITALIZATION OR A NONELECTIVE SURGICAL PROCEDURE.**

25 **(2) INTESTINAL OR EXTERNAL PARASITES MAY NOT BE**
26 **CONSIDERED TO ADVERSELY AFFECT THE HEALTH OF THE DOG UNLESS THE**
27 **PRESENCE OF THE PARASITES MAKES THE DOG CLINICALLY ILL.**

28 **(B) (1) A PURCHASER ENTITLED TO A REMEDY UNDER SUBSECTION**
29 **(A) OF THIS SECTION MAY:**

30 **(I) RETURN THE DOG TO THE RETAIL PET STORE FOR A**
31 **FULL REFUND OF THE PURCHASE PRICE;**

32 **(II) EXCHANGE THE DOG FOR ANOTHER DOG OF**
33 **COMPARABLE VALUE CHOSEN BY THE PURCHASER, IF AVAILABLE; OR**

1 (III) RETAIN THE DOG AND BE REIMBURSED BY THE RETAIL
2 PET STORE FOR REASONABLE AND DOCUMENTED VETERINARY FEES FOR
3 DIAGNOSIS AND TREATMENT OF THE DOG, NOT EXCEEDING ~~THREE TWO TIMES~~
4 THE PURCHASE PRICE OF THE DOG.

5 (2) ~~VETERINARY FEES UNDER PARAGRAPH (1)(III) OF THIS~~
6 ~~SUBSECTION SHALL BE CONSIDERED REASONABLE IF:~~

7 ~~(I) THE SERVICES PROVIDED ARE APPROPRIATE FOR THE~~
8 ~~DIAGNOSIS AND TREATMENT OF THE DISEASE, ILLNESS, OR CONGENITAL OR~~
9 ~~HEREDITARY CONDITION; AND~~

10 ~~(II) THE COST OF THE SERVICES IS COMPARABLE TO THAT~~
11 ~~CHARGED FOR SIMILAR SERVICES BY OTHER LICENSED VETERINARIANS~~
12 ~~LOCATED IN CLOSE PROXIMITY TO THE TREATING VETERINARIAN.~~

13 ~~(3) UNLESS THE OWNER OR OPERATOR OF THE RETAIL PET~~
14 ~~STORE CONTESTS A REIMBURSEMENT REQUIRED UNDER PARAGRAPH (1)(III) OF~~
15 ~~THIS SUBSECTION, THE REIMBURSEMENT SHALL BE MADE TO THE PURCHASER~~
16 ~~NO LATER THAN 10 BUSINESS DAYS AFTER THE RETAIL PET STORE RECEIVES~~
17 ~~THE VETERINARIAN'S STATEMENT UNDER SUBSECTION ~~(c)(1)~~ (C) OF THIS~~
18 ~~SECTION.~~

19 (c) ~~(1)~~ TO OBTAIN A REMEDY UNDER THIS SECTION, A PURCHASER
20 SHALL:

21 ~~(I) NOTIFY THE OWNER OR OPERATOR OF THE RETAIL PET~~
22 ~~STORE WITHIN 3 BUSINESS DAYS AFTER A DIAGNOSIS BY A LICENSED~~
23 ~~VETERINARIAN OF A DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY~~
24 ~~CONDITION OF THE DOG FOR WHICH THE PURCHASER IS SEEKING A REMEDY;~~

25 ~~(II) PROVIDE TO THE OWNER OR OPERATOR OF THE RETAIL~~
26 ~~PET STORE, WITHIN 5 BUSINESS DAYS AFTER RECEIPT, A WRITTEN STATEMENT~~
27 ~~FROM A LICENSED VETERINARIAN ~~WITHIN 5 BUSINESS DAYS AFTER A~~~~
28 ~~DIAGNOSIS BY THE VETERINARIAN THAT THE DOG SUFFERS FROM OR HAS DIED~~
29 ~~OF A DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION~~
30 ~~ADVERSELY AFFECTING THE HEALTH OF THE DOG AND THAT EXISTED IN THE~~
31 ~~DOG ON OR BEFORE THE DATE OF DELIVERY TO THE PURCHASER; .~~

32 ~~(III) ON REQUEST OF THE OWNER OR OPERATOR OF THE~~
33 ~~RETAIL PET STORE, PROMPTLY TAKE THE DOG FOR AN EXAMINATION BY A~~
34 ~~LICENSED VETERINARIAN CHOSEN BY THE OWNER OR OPERATOR OF THE~~
35 ~~RETAIL PET STORE, AT THE EXPENSE OF THE RETAIL PET STORE;~~

1 ~~(IV) IF THE DOG HAS DIED, ON REQUEST OF THE OWNER OR~~
2 ~~OPERATOR OF THE RETAIL PET STORE, TAKE THE DECEASED DOG FOR A~~
3 ~~NECROPSY BY A LICENSED VETERINARIAN CHOSEN BY THE OWNER OR~~
4 ~~OPERATOR OF THE RETAIL PET STORE, AT THE EXPENSE OF THE RETAIL PET~~
5 ~~STORE; AND~~

6 ~~(V) IF THE PURCHASER REQUESTS A REIMBURSEMENT OF~~
7 ~~REASONABLE VETERINARY FEES UNDER SUBSECTION (B)(1)(III) OF THIS~~
8 ~~SECTION, PROVIDE TO THE RETAIL PET STORE AN ITEMIZED BILL FOR THE~~
9 ~~DIAGNOSIS AND TREATMENT OF THE DISEASE, ILLNESS, OR CONGENITAL OR~~
10 ~~HEREDITARY CONDITION OF THE DOG FOR WHICH THE PURCHASER IS SEEKING~~
11 ~~A REMEDY.~~

12 ~~(2) A VETERINARIAN'S STATEMENT UNDER PARAGRAPH (1)(II) OF~~
13 ~~THIS SUBSECTION SHALL INCLUDE:~~

14 ~~(I) THE PURCHASER'S NAME AND ADDRESS;~~

15 ~~(II) A STATEMENT THAT THE VETERINARIAN EXAMINED THE~~
16 ~~DOG;~~

17 ~~(III) THE DATE OR DATES ON WHICH THE DOG WAS~~
18 ~~EXAMINED;~~

19 ~~(IV) THE BREED AND AGE OF THE DOG, IF KNOWN;~~

20 ~~(V) A STATEMENT THAT THE DOG HAS OR HAD A DISEASE,~~
21 ~~ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION THAT IS SUBJECT TO A~~
22 ~~REMEDY; AND~~

23 ~~(VI) THE FINDINGS OF THE EXAMINATION OR NECROPSY,~~
24 ~~INCLUDING LABORATORY RESULTS OR COPIES OF THE RESULTS.~~

25 (D) A PURCHASER IS NOT ENTITLED TO A REMEDY UNDER THIS
26 SECTION IF:

27 (1) THE ILLNESS OR DEATH RESULTED FROM:

28 (I) MALTREATMENT OR NEGLECT BY THE PURCHASER;

29 (II) AN INJURY SUSTAINED AFTER THE DELIVERY OF THE
30 DOG TO THE PURCHASER; OR

1 (III) AN ILLNESS OR DISEASE CONTRACTED AFTER THE
2 DELIVERY OF THE DOG TO THE PURCHASER;

3 (2) THE PURCHASER DOES NOT CARRY OUT THE RECOMMENDED
4 TREATMENT PRESCRIBED BY THE VETERINARIAN WHO MADE THE DIAGNOSIS;
5 OR

6 (3) THE ILLNESS, DISEASE, OR CONGENITAL OR HEREDITARY
7 CONDITION WAS DISCLOSED AT THE TIME OF PURCHASE; ~~OR~~

8 ~~(4) THE PURCHASER DOES NOT RETURN TO THE RETAIL PET
9 STORE ALL DOCUMENTS PROVIDED TO THE PURCHASER TO REGISTER THE DOG.~~

10 ~~(E) (1) A RETAIL PET STORE MAY CONTEST A REMEDY UNDER THIS
11 SECTION BY HAVING THE DOG EXAMINED BY A LICENSED VETERINARIAN AT THE
12 EXPENSE OF THE RETAIL PET STORE.~~

13 ~~(2) IF THE PURCHASER AND THE RETAIL PET STORE HAVE NOT
14 REACHED AN AGREEMENT WITHIN 10 BUSINESS DAYS AFTER THE EXAMINATION
15 OF THE DOG BY THE VETERINARIAN CHOSEN BY THE RETAIL PET STORE;~~

16 ~~(I) THE PURCHASER MAY BRING SUIT IN A COURT OF
17 COMPETENT JURISDICTION TO RESOLVE THE DISPUTE; OR~~

18 ~~(II) IF THE PARTIES AGREE IN WRITING, THE PARTIES MAY
19 SUBMIT THE DISPUTE TO BINDING ARBITRATION.~~

20 ~~(3) IF THE COURT OR ARBITER FINDS THAT EITHER PARTY ACTED
21 IN BAD FAITH IN SEEKING OR DENYING THE REQUESTED REMEDY, THE
22 OFFENDING PARTY MAY BE REQUIRED TO PAY REASONABLE ATTORNEY'S FEES
23 AND COURT COSTS OF THE ADVERSE PARTY.~~

24 ~~19 705. 19 706.~~

25 ~~(A) A RETAIL PET STORE THAT SELLS DOGS SHALL CONSPICUOUSLY
26 POST A NOTICE STATING THAT PURCHASERS OF DOGS HAVE SPECIFIC RIGHTS
27 UNDER THE LAW AND THAT A WRITTEN STATEMENT OF THOSE RIGHTS IS
28 AVAILABLE ON REQUEST.~~

29 ~~(B) (1) AT THE TIME OF A SALE OF A DOG OR ON REQUEST OF A
30 PROSPECTIVE PURCHASER, A RETAIL PET STORE SHALL PROVIDE A WRITTEN
31 NOTICE OF PURCHASER'S RIGHTS UNDER THIS SUBTITLE.~~

~~(2) AT THE TIME A WRITTEN NOTICE IS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE NOTICE SHALL BE SIGNED BY THE OWNER OR OPERATOR OF THE RETAIL PET STORE AND THE PURCHASER.~~

~~19-706. 19-707.~~

~~(A) (1) A RETAIL PET STORE THAT REPRESENTS THAT A DOG SOLD BY THE RETAIL PET STORE IS REGISTERED OR REGISTRABLE SHALL PROVIDE THE PURCHASER WITH A WRITTEN NOTICE AT THE TIME OF THE SALE THAT STATES: "A PEDIGREE OR REGISTRATION DOES NOT ASSURE PROPER BREEDING CONDITION, HEALTH, QUALITY, OR CLAIMS TO LINEAGE."~~

~~(2) AT THE TIME A WRITTEN NOTICE IS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE NOTICE SHALL BE SIGNED BY THE OWNER OR OPERATOR OF THE RETAIL PET STORE AND THE PURCHASER.~~

~~(B) (1) A RETAIL PET STORE MAY NOT STATE, PROMISE, OR REPRESENT TO A PURCHASER, DIRECTLY OR INDIRECTLY, THAT A DOG IS REGISTERED OR REGISTRABLE UNLESS THE RETAIL PET STORE PROVIDES THE PURCHASER WITH THE DOCUMENTS NECESSARY FOR REGISTRATION WITHIN 120 ~~90~~ DAYS AFTER THE DATE OF SALE.~~

~~(2) IF THE RETAIL PET STORE DOES NOT PROVIDE THE DOCUMENTS AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PURCHASER MAY:~~

~~(I) PROVIDE WRITTEN NOTICE TO THE RETAIL PET STORE OF THE PURCHASER'S INTENT TO SEEK A REMEDY AUTHORIZED IN ITEM (II) OF THIS PARAGRAPH; AND~~

~~(II) 1. RETURN THE DOG AND ALL ACCOMPANYING DOCUMENTATION TO THE RETAIL PET STORE FOR A FULL REFUND OF THE PURCHASE PRICE; OR~~

~~2. RETAIN THE DOG AND BE REIMBURSED BY THE RETAIL PET STORE FOR 50% OF THE PURCHASE PRICE.~~

~~19-707. 19-708. 19-706.~~

~~AN OWNER OR OPERATOR OF A RETAIL PET STORE THAT VIOLATES THIS SUBTITLE IS LIABLE FOR A CIVIL PENALTY NOT EXCEEDING:~~

~~(1) \$500 FOR A FIRST OFFENSE; OR~~

~~(2) \$1,000 FOR EACH SUBSEQUENT OFFENSE.~~

A VIOLATION OF THIS SUBTITLE:

(1) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

~~19-708. 19-709. 19-707.~~

NOTHING IN THIS SUBTITLE LIMITS:

(1) THE RIGHTS OR REMEDIES OTHERWISE AVAILABLE TO A PURCHASER;

(2) THE ABILITY OF THE OWNER OR OPERATOR OF A RETAIL PET STORE AND PURCHASER TO AGREE TO ADDITIONAL TERMS AND CONDITIONS THAT DO NOT IMPAIR THE RIGHTS GRANTED TO A PURCHASER UNDER THIS SUBTITLE; OR

(3) THE ABILITY OF THE STATE OR A LOCAL GOVERNMENT TO PROSECUTE THE OWNER OR OPERATOR OF A RETAIL PET STORE FOR ANY OTHER VIOLATION OF LAW.

Article – Commercial Law

13-301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(xxvii) Section 7-405(e)(2)(ii) of the Health Occupations Article; [or]

(xxviii) Title 12, Subtitle 10 of the Financial Institutions Article; or

(XXIX) TITLE 19, SUBTITLE 7 OF THE BUSINESS REGULATION ARTICLE; OR

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.